

106TH CONGRESS
1ST SESSION

S. 351

To provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1999

Mr. GRAMS (for himself, Mr. JOHNSON, Mr. SESSIONS, and Mr. BENNETT) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Taxpayer Oversight
5 of Surplus Property Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) section 203(j) of the Federal Property and
2 Administrative Services Act of 1949 (40 U.S.C.
3 484(j)) established a system to ensure the fair and
4 equitable allocation of Federal surplus personal
5 property to eligible recipients including law enforce-
6 ment agencies, school systems, medical institutions,
7 libraries, homeless assistance providers, and units of
8 local government;

9 (2) the benefits of the Federal Personal Prop-
10 erty Utilization and Donation Program is measured
11 in terms of American taxpayer dollars not spent
12 from budgets on new and expensive property;

13 (3) Members of Congress and State and local
14 officials all have an obligation to oversee the fair and
15 equitable distribution of Government property, there-
16 by ensuring accountability to the American tax-
17 payers;

18 (4) the owners of surplus Federal property are
19 the American people and the Federal Government is
20 merely its public custodian;

21 (5) the efforts of the State agencies in distrib-
22 uting surplus property have enabled thousands of
23 American taxpayers to acquire items such as office
24 equipment, clothing, furniture, motor vehicles, fork-
25 lifts, aircraft, boats and generators which have been

1 declared surplus to the needs of the Federal Govern-
 2 ment;

3 (6) the effectiveness of the current system for
 4 donation of surplus Federal personal property has
 5 been undermined by programs which mandate that
 6 property is made available on a priority basis to for-
 7 eign entities before the safety, health, education, and
 8 training needs of American taxpayers are met; and

9 (7) new legislation is needed to move the prior-
 10 ity for property transfers through foreign assistance
 11 programs to a level below that for domestic use
 12 transfers of excess personal property to Federal
 13 agencies.

14 **SEC. 3. PRIORITY TO STATES AND LOCAL ORGANIZATIONS**
 15 **FOR THE TRANSFER OF NONLETHAL EXCESS**
 16 **SUPPLIES OF THE DEPARTMENT OF DE-**
 17 **FENSE.**

18 Section 2547 of title 10, United States Code, is
 19 amended—

20 (1) in subsection (a), by striking “The Sec-
 21 retary of Defense” and inserting “Subject to sub-
 22 section (d), the Secretary of Defense”;

23 (2) by redesignating subsection (d) as sub-
 24 section (e); and

1 (3) by inserting after subsection (c), the follow-
 2 ing:

3 “(d)(1) Nonlethal excess supplies of the Department
 4 of Defense shall be made available to a State or a local
 5 government of a State upon the request of the State or
 6 local government pursuant to authority provided in an-
 7 other provision of law, before such supplies are made avail-
 8 able for humanitarian relief purposes under this section.
 9 The President may make such supplies available for hu-
 10 manitarian purposes before such supplies are made avail-
 11 able to a State or local government under this subsection
 12 in order to respond to an emergency precipitated by a nat-
 13 ural disaster.”.

14 “(2) In this subsection, the term ‘State’ means a
 15 State of the United States, the District of Columbia, the
 16 Commonwealth of Puerto Rico, and any possession of the
 17 United States.”.

18 **SEC. 4. TRANSFERS OF PROPERTY FOR ENVIRONMENTAL**
 19 **PROTECTION IN FOREIGN COUNTRIES.**

20 Section 607 of the Foreign Assistance Act of 1961
 21 (22 U.S.C. 2357(d)) is amended—

22 (1) in subsection (d)—

23 (A) by redesignating paragraphs (1), (2),
 24 and (3) as subparagraphs (A), (B), (C), respec-
 25 tively;

1 (B) by striking “(d) The” and inserting
 2 “(d)(1) Except as provided in paragraph (3),
 3 the”; and

4 (C) by adding at the end of the following:

5 “(2) No property may be transferred under para-
 6 graph (1) unless the Administrator of General Services de-
 7 termines that there is no Federal or State use require-
 8 ments for the property under any other provision of law.”;
 9 and

10 (2) by adding at the end the following:

11 “(e) Nothing in this section shall prohibit the transfer
 12 of confiscated property to foreign countries.”.

13 **SEC. 5. REPORT ON DISPOSAL AND DONATION SURPLUS**
 14 **PERSONAL PROPERTY.**

15 Not later than 180 days after the date of enactment
 16 of this Act, the Administrator of General Services shall
 17 review all statutes relating to the disposal and donation
 18 of surplus personal property and submit to Congress a re-
 19 port on such statutes including—

20 (1) the effectiveness of programs administered
 21 under such statutes (except for any program that
 22 grants access to personal property by local commu-
 23 nities impacted by the closure of a military base),
 24 and the amount and type of property administered

1 under each such program during fiscal years 1997
2 and 1998; and

3 (2) legislative recommendations to integrate
4 and consolidate all such programs to be adminis-
5 tered by a single Federal authority working with
6 State agencies while accomplishing the purposes of
7 such programs.

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